UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,759	02/27/2004	Derek A. Oxley	CE10438W	8479

23330   7590   08/23/2007
MOTOROLA, INC.
LAW DEPARTMENT
1303 E. ALGONQUIN ROAD
SCHAUMBURG, IL 60196

EXAMINER
YOUNG, JANELLE N

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
08/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

<table>
<tr><td rowspan="2">Office Action Summary</td><td colspan="2">Application No.</td><td colspan="2">Applicant(s)</td></tr>
<tr><td colspan="2">10/788,759</td><td colspan="2">OXLEY ET AL.</td></tr>
<tr><td></td><td colspan="2">Examiner</td><td>Art Unit</td><td></td></tr>
<tr><td></td><td colspan="2">Janelle N. Young</td><td>2618</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 June 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16,19-26,33-38 and 41-51</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16,19-26,33-38 and 41-51</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>27 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 22, 2007 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-16, 19-26, 33-38, and 41-51 have been considered but are moot in view of the new ground(s) of rejection.

Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server (Abstract of Toyryla et al.), the method for dynamic group call comprising the steps of: specifying additional group definition information; such as security parameters and group management; which can be interpreted as a predetermined limit as to a number of second users permitted to join the group. In addition, Toyryla et al. discusses membership management, establishing optional additional information for the group definition information. This optional additional group definition information can vary from security parameters; such as monitoring the number of members in the dynamic talk group, a closed user group, etc. chosen by the user (Abstract; Col. 2, lines 55-64; Col. 3, line 54-Col. 4, line 26; Col. 5,

line 35-Col. 6, line 27; Col. 7, lines 29-30; Col. 8, lines 32-35; and Col. 11, lines 29-31 of

Toyryla et al.).

What Toyryla et al. does not explicitly teach is the network validating the dynamic

group call.

However, Keating et al. teaches method for dynamic group call from a first user

to a group of second users via a network including a server, wherein there is further

included steps of: forwarding the group to the network for validation (Fig. 1; Page 3,

Para 0027; and Page 4, Para 0030 of Keating et al.); receiving a group identification for

the group (Page 3, Para 0024 and Page 4, Para 0029 of Keating et al.); and

establishing a group call between the first user and the group after the first user

receives the group identification (Fig. 2; Page 1, Para 0011; and Page 2, Para 0020 of

Keating et al.).

3.   Toyryla et al. teaches a method for dynamic group call from a first user to a

group of second users via a network including a server, the method for dynamic group

call comprising the steps of: dynamically sending a list complete message by the first

user to the network (Col. 5, lines 39-45 in respect to Col. 2, lines 59-64 and Col. 3, lines

8-14 of Toyryla et al.); validating by the network a dynamic group call list associated

with the list complete message, by validating the dynamic group call list for the first user

and for each of the second users (Col. 3, line 54-Col. 4, line 3 and Col. 6, line 31-Col. 7,

line 26 with respect to Col. 9, lines 28-35 of Toyryla et al.); if the dynamic group call list

is invalid, providing a message by the network to the first user that a failure has

occurred (Col. 3, line 54-Col. 4, line 3 with respect to Col. 9, lines 28-35 and Col. 11,

lines 3-34 of Toyryla et al.); and if the dynamic group call list is validated, storing a

dynamic group call identity by the first user (Col. 6, line 31-Col. 7, line 15 of Toyryla et

al.).

What Toyryla et al. does not explicitly teach is dynamic group call slots or

channels.

However, Fitser et al. teaches method for dynamic group call from a first user to

a group of second users via a network including a server, wherein there is further

included steps of: determining by the network whether group call slots are-identifier is

available in a database, wherein the database has a plurality of identifiers ; if there are

slots is a dynamic group call identifier available in the database, creating a unique group

ID for the dynamic group call list from one the plurality of identifiers; and if dynamic

group call slots are-identifier is not available from the plurality of identifiers, selecting by

the network previously used dynamic group call slot from the plurality of identifiers for

the dynamic group call list (Col. 1, lines 46-67; Col. 3, line 4-Col. 4, line 8; and Col. 4,

line 43-Col. 5, line 25 of Fitser et al.).

4.   Toyryla et al. teaches a method for dynamic group call from a first user to a

group of second users via a network including a server (Col. 5, lines 39-45 in respect to

Col. 2, lines 59-64 and Col. 3, lines 8-14) and sending, by the network, a dynamic group

call identity provided by the network to identify the dynamic group call list to each of the

group second users and to the first, an identity of the first user to the second users (Col.

4, line 22-53; Col. 5, lines 45-51; Col. 9, lines 16-22; and Col. 9, line 63-Col. 10, line 29

in respect to Col. 2, line 31-Col. 3, line 53 and Col. 6, line 31-Col. 7, line 15 of Toyryla et

al.).

What Toyryla et al. does not explicitly teach is a the time for which the unique

group call identification is valid.

However, Ahya et al. teaches a dynamic group talk that is dynamically sending

by the first user a dynamic group call list of the group of second users to the server

through the network and a time to live parameter to each of the group of second users

and to the first user validity period; which reads on claimed wherein the time to live

parameter defines the time for which the unique group call identification is valid

(Abstract; Col. 2, lines 10-18; Col. 3, line 59-Col. 4, line 3; and Col. 4, line 55-Col. 5, line

55 of Ahya et al.).

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-6 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Toyryla et al. (US Patent 6999783) and further in view of Keating et al. (US Pub

2004/0082352).

As for claim 1, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server (Abstract of Toyryla et al.), the method for dynamic group call comprising the steps of:

specifying additional group definition information; such as security parameters and group management; which can be interpreted as a predetermined limit as to a number of second users permitted to join the group; (Abstract; Col. 2, lines 55-64; Col. 3, line 54-Col. 4, line 26; Col. 5, line 35-Col. 6, line 27; Col. 7, lines 29-30; Col. 8, lines 32-35; and Col. 11, lines 29-31of Toyryla et al.);

dynamically selecting by the first user without the network a selected user for inclusion in the group of second users (Abstract; Col. 3, lines 3-5 of Toyryla et al.);

determining whether a number of selected second users is within a predetermined limit (Col. 7, lines 29-30 and Col. 11, lines 13-33 of Toyryla et al.); and

if the number of selected second users is within the predetermined limit, adding by the first user the selected user to the group [[a list]] of second users (Abstract and Col. 4, lines 4-44 of Toyryla et al.).

What Toyryla et al. does not explicitly teach is the network validating the dynamic group call.

However, Keating et al. teaches method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further

included steps of: <u>forwarding the group to the network for validation</u> (Fig. 1; Page 3,

Para 0027; and Page 4, Para 0030 of Keating et al.); <u>receiving a group identification for</u>

<u>the group</u> (Page 3, Para 0024 and Page 4, Para 0029 of Keating et al.); <u>and</u>

<u>establishing a group call between the first user and the group after the first user</u>

<u>receives the group identification</u> (Fig. 2; Page 1, Para 0011; and Page 2, Para 0020 of

Keating et al.).

It would have been obvious to one of ordinary skill of the art at the time the

invention was made to incorporate a method for forming a group of communication

terminals out of a plurality of communication terminals through allocating to each of said

terminals of said group a dynamic group address associated with a group, as taught by

Sasuta, in the dynamic talk group of Toyryla et al., because Toyryla et al. already

teaches talk groups being activate on the network side of the communications system at

a given time (Col. 6, lines 4-27 and Col. 8, line 65-Col. 9, line 8 of Toyryla et al.).

The motivation of this combination would be to create new talk groups and/or

modify group membership more dynamically and, as taught by Toyryla et al. in Col. 2,

lines 8-19, because this would provide a technically simple method for creating and

managing a dynamic group from mobiles. The incorporation would dynamically control

the wireless group call in a manner that provides dynamic group membership and

accurate billing information. In addition, the dispatch communication environment is

capable of supporting a wireless group call and can change the call setup during calls .

(Page 1, Para 0005 and Pages 4-5, Para 0035 of Keating et al.).

As for claim 2, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of determining by the first user that the member is to be added to the group of second users (Col. 4, lines 4-44 of Toyryla et al.).

As for claim 3, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein if the number of selected second users is not within the predetermined limit, there is further included a step of providing a message to the first user indicating a fault (Col. 3, line 54-Col. 4, line 3 of Toyryla et al.).

As for claim 4, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein the step of adding by the first user includes a step of transmitting the group definition message/information; which reads on claimed group/member ID (identification), by the first user the second user to the network **(Note:** The Examiner has interpreted that the group/member ID (identification) is being transmitted**)** (Col. 2, line 31-Col. 3, line 53 of Toyryla et al.).

As for claim 5, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of storing the member in a database corresponding to the dynamic group call(Col. 2, line 31-Col. 3, line 53 of Toyryla et al.).

As for claim 6, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is

further included a step of creating the network a group identity (Col. 5, lines 8-34 in respect to Col. 5, lines 45-51 and Col. 9, lines 16-22 of Toyryla et al.).

Regarding claim 44, see explanation as set forth regarding claim 1 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 45, see explanation as set forth regarding claim 2 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 46, see explanation as set forth regarding claim 3 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

6.   Claims 7-17 and 47-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla et al. (US Patent 6999783) and further in view of Keating et al. (US Pub 2004/0082352).

As for claim 7, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, the method for dynamic group call comprising the steps of:

specifying a predetermined limit as to a number of second users permitted to join the group;

dynamically selecting by the first user without the network or the server, a selected [[the]] group of second users (Abstract; Col. 3, lines 3-5 of Toyryla et al.);

determining whether a number of the selected group of second users is within a predetermined limit (Col. 7, lines 29-30 and Col. 11, lines 13-33 of Toyryla et al.) and;

if the number of selected second users is within the predetermined limit, adding by the first user the selected group of second users (Abstract and Col. 4, lines 4-44 of Toyryla et al.).

What Toyryla et al. does not explicitly teach is the network validating the dynamic group call.

However, Keating teaches method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included steps of: forwarding the group to the network for validation (Fig. 1; Page 3, Para 0027; and Page 4, Para 0030 of Keating et al.); receiving a group identification for the group (Page 3, Para 0024 and Page 4, Para 0029 of Keating et al.); and establishing a group call between the first user and the group after the first user receives the group identification (Fig. 2; Page 1, Para 0011; and Page 2, Para 0020 of Keating et al.).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a method for forming a group of communication

terminals out of a plurality of communication terminals through allocating to each of said

terminals of said group a dynamic group address associated with a group, as taught by

Sasuta, in the dynamic talk group of Toyryla et al., because Toyryla et al. already

teaches talk groups being activate on the network side of the communications system at

a given time (Col. 6, lines 4-27 and Col. 8, line 65-Col. 9, line 8 of Toyryla et al.).

The motivation of this combination would be to create new talk groups and/or modify

group membership more dynamically and, as taught by Toyryla et al. in Col. 2, lines 8-

19, because this would provide a technically simple method for creating and managing

a dynamic group from mobiles. The incorporation would dynamically control the wireless

group call in a manner that provides dynamic group membership and accurate billing

information. In addition, the dispatch communication environment is capable of

supporting a wireless group call and can change the call setup during calls . (Page 1,

Para 0005 and Pages 4-5, Para 0035 of Keating et al.).

As for claim 8, Toyryla et al. teaches a method for dynamic group call from a first

user to a group of second users via a network including a server, wherein there is

further included a step of determining by the first user that the member is to be added to

the group of second users (Col. 4, lines 4-44 of Toyryla et al.).

As for claim 9, Toyryla et al. teaches a method for dynamic group call from a first

user to a group of second users via a network including a server, wherein if the number

of selected second users is not within the predetermined limit, there is further included a

step of providing a message to the first user indicating a fault (Col. 3, line 54-Col. 4, line

3 of Toyryla et al.).

As for claim 10, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein the step of adding by the first user includes a step of transmitting the group definition message; which reads on claimed group/member ID (identification) or list of second users, by the first user to the selected second user and to the network **(Note**: The Examiner has interpreted that the group/member ID (identification) is being transmitted**)** (Col. 2, line 31-Col. 3, line 53 of Toyryla et al.).

As for claim 11, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of storing the group of second users in a database (Col. 5, lines 8-34 in respect to Col. 2, line 31-Col. 3, line 53 of Toyryla et al.).

As for claim 12, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of creating the network a group identity (Col. 5, lines 45-51 and Col. 9, lines 16-22 of Toyryla et al.).

As for claim 13, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of determining whether a number of users exceeds a predetermined limit (Col. 7, lines 29-30 and Col. 11, lines 13-33 of Toyryla et al.).

Regarding claim 47, see explanation as set forth regarding claim 7 (method claim) because the claimed method for dynamic group call from a first user to a group of

second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 48, see explanation as set forth regarding claim 8 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 49, see explanation as set forth regarding claim 9 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 50, see explanation as set forth regarding claim 10 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 51, see explanation as set forth regarding claim 11 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

7.   Claims 14-16 & 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla et al. (US Patent 6999783) and further in view of Fitser et al. (US Patent 5631904).

As for claim 14, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, the method for dynamic group call comprising the steps of:

dynamically sending a list complete message by the first user to the network (Col. 5, lines 39-45 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14 of Toyryla et al.);

validating by the network a dynamic group call list associated with the list complete message, by validating the dynamic group call list for the first user and for each of the second users (Col. 3, line 54-Col. 4, line 3 and Col. 6, line 31-Col. 7, line 26 with respect to Col. 9, lines 28-35 of Toyryla et al.); and

if the dynamic group call list is invalid, providing a message by the network to the first user that a failure has occurred (Col. 3, line 54-Col. 4, line 3 with respect to Col. 9, lines 28-35 and Col. 11, lines 3-34 of Toyryla et al.); and

if the dynamic group call list is validated, storing a dynamic group call identity by the first user (Col. 6, line 31-Col. 7, line 15 of Toyryla et al.).

What Toyryla et al. does not explicitly teach is dynamic group call slots or channels.

However, Fitser et al. teaches method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included steps of: determining by the network whether group call slots are identifier is available in a database, wherein the database has a plurality of identifiers ; if there are slots is a dynamic group call identifier available in the database, creating a unique group

ID for the dynamic group call list from one the plurality of identifiers; and if dynamic

group call slots are identifier is not available from the plurality of identifiers, selecting by

the network previously used dynamic group call slot from the plurality of identifiers for

the dynamic group call list (Col. 1, lines 46-67; Col. 3, line 4-Col. 4, line 8; and Col. 4,

line 43-Col. 5, line 25 of Fitser et al.).

It would have been obvious to one of ordinary skill of the art at the time the

invention was made to incorporate a method for automatically establishing a conference

call, as taught by Fitser et al., in the dynamic talk group of Toyryla et al., because

Toyryla et al. already teaches talk groups being activate on the network side of the

communications system at a given time (Col. 6, lines 4-27 and Col. 8, line 65-Col. 9, line

8 of Toyryla et al.).

The motivation of this combination would be to create new talk groups and/or

modify group membership more dynamically and, as taught by Toyryla et al. in Col. 2,

lines 8-19, because this would provide a technically simple method for creating and

managing a dynamic group from mobiles. By combining the unique ID with the call

identifiers this is further restricting access to the dynamic talk group making the talk

group more secure. The incorporation of call identifier with a dynamic talk group would

establish a conference call between a plurality of participants identified from a data

record (Col. 2, lines 27-53 and Col. 3, lines 49-62 of Fitser et al.).

As for claim 15, Toyryla et al. teaches a method for dynamic group call from a

first user to a group of second users via a network including a server, wherein the step

of dynamically sending a list complete message includes the step of sending a list by

the first user to the network of the group of second users (Col. 5, lines 39-45 and Col. 9, lines 28-35 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14 of Toyryla et al.).

As for claim 16, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of:

determining by the network that the dynamic group call list is sent by the first user (Col. 5, lines 39-45 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14 of Toyryla et al.); and

if the dynamic group call list is sent by the first user, storing the dynamic group call list in a database (Col. 6, line 31-Col. 7, line 15 of Toyryla et al.).

As for claims 19-20, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server wherein the step of selecting by the network the previously used dynamic group call ~~slot~~ <u>identifier</u> includes the step of selecting a least and/or first used dynamic group call ~~slot~~ <u>identifier</u> <u>from the plurality of group call identifiers</u> (Col. 2, lines 59-65; Col. 6, lines 4-27; and Col. 8, line 17-Col. 9, line 8 of Toyryla et al.).

As for claim 23, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of:

determining whether the first user sent a dynamic group call list complete message; and if the first user has sent a dynamic group call list complete message, performing the steps of claims 15, 6, & 19 (Col. 5, lines 39-45 and Col.

9, lines 28-35 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14 of Toyryla et al.).

As for claims 24-25, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of:

> determining by the network whether the first user has sent a member of the group of second users; if the member is valid, adding the member to the dynamic group call list; and if the member is invalid, there is further included a step of providing an indication of failure to the first user (Col. 6, line 31-Col. 7, line 15 and Col. 8, line 17-Col. 9, line 35 of Toyryla et al.).

8.   Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla et al. (US Patent 6999783) and Fitser et al. (US Patent 5631904) as applied to claim 14 above, and further in view of Chandhok et al. (US Patent 2004/0198376).

As for claim 21, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of: determining by the network whether the first user has requested an dynamic group call; and if the first user has requested a dynamic group call, initiating the group call to each of the group of second users (Col. 6, lines 4-27; Col. 7, lines 16-26; and Col. 11, lines 3-12 of Toyryla et al.).

What Toyryla et al. and Fitser et al. do not explicitly teach is starting the dynamic group call immediately by the network.

However Chandhok et al. teaches method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included steps of: sending by the first user an indicator to the server through the network to start the dynamic group call immediately; and starting the dynamic group call immediately by the network (Page 4, Para 0035-0038 with respect to Page 1, Para 0007 and Page 4, Para 0039 of Chandhok et al.).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a method and apparatus for joining a requester of a desired service to a local group of providers for the desired service allows the requester of the desired service to instantly get in touch with the local group of providers for the desired service, as taught by Chandhok et al., in the dynamic talk group of Toyryla et al., because Toyryla et al. already teaches am indication that is a request to join dynamic talk group and sending group activation message (Col. 6, lines 4-27 and Col. 11, lines 3-12 of Toyryla et al.).

The motivation of this combination would be the effect of the time it would take to create new talk groups and/or modify group membership, as taught by Toyryla et al, because the would make the dynamic talk group functionality less complex, easier and reliable from the user's point of view. The group of service providers is dynamically determined based on the current location vector of the service requester, regardless of the current location of the service requester, and without requiring the service requester to individually contact each provider of the desired service (Abstract and Page 1, Para 0005 of Chandhok et al.). The incorporation of multi-point communication systems with

dynamic talk group would allow a user to quickly access or join communication device to a group of service provider in the global communication network (Page 1, Para 0006-0008 of Chandhok et al.).

As for claim 22, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein if the first user has not requested an immediate group dynamic call, the network sends a group identification to the first user (Col. 2, line 31-Col. 4, line 14 of Toyryla et al.).

9.   Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla et al. (US Patent 6999783) and Ahya et al. (US Patent 6600928) and further in view of Chandhok et al. (US Patent 2004/0198376).

As for claim 26, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included steps of:

dynamically sending by the first user a dynamic group call list of the group of second users to the server through the network (Col. 5, lines 39-45 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14 of Toyryla et al.);

dynamic group call list complete message to the network (Col. 5, lines 39-45 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14 of Toyryla et al.) and

validating by the network the dynamic group call list (Col. 6, line 31-Col. 7, line 15 of Toyryla et al.).

What Toyryla et al. does not explicitly teach is a the time for which the unique group call identification is valid.

However, Ahya et al. teaches a dynamic group talk that is dynamically sending by the first user a dynamic group call list of the group of second users to the server through the network and a time to live parameter to each of the group of second users and to the first user validity period; which reads on claimed <u>wherein the time to live parameter defines the time for which the unique group call identification is valid</u> (Abstract; Col. 2, lines 10-18; Col. 3, line 59-Col. 4, line 3; and Col. 4, line 55-Col. 5, line 55 of Ahya et al.).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a method and apparatus for create talk groups easily, by a user, defining the membership of the talk group, and validating a period for talk groups, as taught by Ahya et al., in the dynamic talk group of Toyryla et al., because Toyryla et al. already teaches security requirements, access control, and/or passwords associated additional information to the group definition and/or unique identifier(Col. 7, line 55- Col. 9, line 35 of Toyryla et al.).

What Toyryla et al. and Ahya et al. do not explicitly teach is starting/launch the dynamic group call immediately by the network.

However Chandhok et al. teaches method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included steps of: sending by the first user a dynamic group call list complete message and an indicator to the server through the network to start the dynamic group call

immediately; and starting the dynamic group call immediately by the network (Page 4,

Para 0035-0038 with respect to Page 1, Para 0007 and Page 4, Para 0039 of

Chandhok et al.).

It would have been obvious to one of ordinary skill of the art at the time the

invention was made to incorporate a method and apparatus for joining a requester of a

desired service to a local group of providers for the desired service allows the requester

of the desired service to instantly get in touch with the local group of providers for the

desired service, as taught by Chandhok et al., in the dynamic talk group of Toyryla et

al., because Toyryla et al. already teaches am indication that is a request to join

dynamic talk group and sending group activation message (Col. 6, lines 4-27 and Col.

11, lines 3-12 of Toyryla et al.).

The motivation of this combination would be the effect of the time it would take to

create new talk groups and/or modify group membership, as taught by Toyryla et al,

because the would make the dynamic talk group functionality less complex, easier and

reliable from the user's point of view. The group of service providers is dynamically

determined based on the current location vector of the service requester, regardless of

the current location of the service requester, and without requiring the service requester

to individually contact each provider of the desired service (Abstract and Page 1, Para

0005 of Chandhok et al.). The incorporation of multi-point communication systems with

dynamic talk group would allow a user to quickly access or join communication device

to a group of service provider in the global communication network (Page 1, Para 0006-

0008 of Chandhok et al.). The invention solves the problem of not being able to create

talk groups easily, by a user, by providing a method for creating a temporary talk group

in cooperation with the wireless communication system infrastructure equipment. In

particular, the method provides alternative means to interact with the communication

system in defining the membership of the talk group, and the period for which the

temporary talk group is valid (Col. 2, lines 10-18 of Ahya et al.).

10.   Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Toyryla et al. (US Patent 6999783) and Ahya et al. (US Patent 6600928) and further in

view of Chandhok et al. (US Patent 2004/0198376).

As for claim 33, Toyryla et al. teaches a method for dynamic group call from a

first user to a group of second users via a network including a server (Col. 5, lines 39-45

in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14) and sending, by the network, a

dynamic group call identity provided by the network to identify the dynamic group call

list to each of the group second users and to the first, an identity of the first user to the

second users (Col. 4, line 22-53; Col. 5, lines 45-51; Col. 9, lines 16-22; and Col. 9, line

63-Col. 10, line 29 in respect to Col. 2, line 31-Col. 3, line 53 and Col. 6, line 31-Col. 7,

line 15 of Toyryla et al.).

What Toyryla et al. does not explicitly teach is a the time for which the unique

group call identification is valid.

However, Ahya et al. teaches a dynamic group talk that is dynamically sending

by the first user a dynamic group call list of the group of second users to the server

through the network and a time to live parameter to each of the group of second users

and to the first user validity period; which reads on claimed <u>wherein the time to live</u>

<u>parameter defines the time for which the unique group call identification is valid</u>

(Abstract; Col. 2, lines 10-18; Col. 3, line 59-Col. 4, line 3; and Col. 4, line 55-Col. 5, line

55 of Ahya et al.).

It would have been obvious to one of ordinary skill of the art at the time the

invention was made to incorporate a method and apparatus for create talk groups

easily, by a user, defining the membership of the talk group, and validating a period for

talk groups, as taught by Ahya et al., in the dynamic talk group of Toyryla et al.,

because Toyryla et al. already teaches security requirements, access control, and/or

passwords associated additional information to the group definition and/or unique

identifier(Col. 7, line 55- Col. 9, line 35 of Toyryla et al.).

What Toyryla et al. and Ahya et al. do not explicitly teach is starting/launch the

dynamic group call immediately by the network.

However Chandhok et al. teaches a dynamic group talk that is dynamically

sending by the first user a dynamic group call list of the group of second users to the

server through the network and sending by the first user an indicator to the server

through the network to start the dynamic group call immediately (Page 4, Para 0035-

0038 with respect to Page 1, Para 0007 and Page 4, Para 0039 of Chandhok et al.).

It would have been obvious to one of ordinary skill of the art at the time the

invention was made to incorporate a method and apparatus for joining a requester of a

desired service to a local group of providers for the desired service allows the requester

of the desired service to instantly get in touch with the local group of providers for the

desired service, as taught by Chandhok et al., in the dynamic talk group of Toyryla et al., because Toyryla et al. already teaches am indication that is a request to join dynamic talk group and sending group activation message (Col. 6, lines 4-27 and Col. 11, lines 3-12 of Toyryla et al.).

The motivation of this combination would be the effect of the time it would take to create new talk groups and/or modify group membership, as taught by Toyryla et al, because the would make the dynamic talk group functionality less complex, easier and reliable from the user's point of view. The group of service providers is dynamically determined based on the current location vector of the service requester, regardless of the current location of the service requester, and without requiring the service requester to individually contact each provider of the desired service (Abstract and Page 1, Para 0005 of Chandhok et al.). The incorporation of multi-point communication systems with dynamic talk group would allow a user to quickly access or join communication device to a group of service provider in the global communication network (Page 1, Para 0006-0008 of Chandhok et al.). The invention solves the problem of not being able to create talk groups easily, by a user, by providing a method for creating a temporary talk group in cooperation with the wireless communication system infrastructure equipment. In particular, the method provides alternative means to interact with the communication system in defining the membership of the talk group, and the period for which the temporary talk group is valid (Col. 2, lines 10-18 of Ahya et al.).

As for claim 34, Toyryla et al. teaches a method for dynamic group call from a
first user to a group of second users via a network including a server, wherein there is
further included the steps of:

determining whether each of the group of second users and the first user
are valid; and if each of the group of second users and the first user are invalid,
there is further included a step of providing an indication to the first user (Col. 3,
line 54-Col. 4, line 3; Col. 6, line 31-Col. 7, line 15; and Col. 9, lines 28-35 and
Col. 11, lines 3-34 of Toyryla et al.).

As for claim 35, Toyryla et al. teaches a method for dynamic group call from a
first user to a group of second users via a network including a server, wherein there is
further included the steps of:

determining whether the dynamic group call is presently active; and if the
dynamic group call is presently active, rejoining the first user or the second users
to the presently active call (Col. 3, line 54-Col. 4, line 3 and Col. 6, line 57-Col. 7,
line 15 of Toyryla et al.).

11.   Claims 36-38 & 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Toyryla et al. (US Patent 6999783), Ahya et al. (US Patent 6600928), and
Chandhok et al. (US Patent 2004/0198376) as applied to claim 33 above, and further in
view of Sasuta (US Patent 5513381).

As for claim 36, Toyryla et al. teaches a method for dynamic group call from a
first user to a group of second users via a network including a server, wherein there is

further included a step of adding new members; which reads on claimed expanding the

dynamic group call list (Abstract; Col. 2, lines 8-10; Col. 4, lines 37-44; Col. 5, line 35-

Col. 6, line 3; and Col. 8, lines 17-54 of Toyryla et al. corresponding to Page 2, Para

0022;).

What Toyryla et al., Ahya et al., and Chandhok et al. do not explicitly teach is

portion of the communication group; which reads on claimed subgroups; launching the

dynamic group call to the group of second users and to the first user; and expanding a

subgroup of the group of second users.

However Sasuta teaches method for dynamic group call from a first user to a

group of second users via a network including a server, wherein there is further included

steps of: launching the dynamic group call to the group of second users and to the first

user (Abstract; Col. 1, line 60-Col. 2, line 8; and Col. 2, line 51-Col. Col. 4, line 49 of

Sasuta).

It would have been obvious to one of ordinary skill of the art at the time the

invention was made to incorporate a method for placing a group call in a multiple site

trunked communication system, as taught by Sasuta, in the dynamic talk group of

Toyryla et al. and Chandhok et al., because they already teach a group communicating

in dynamically (Abstracts of Toyryla et al. and Chandhok et al.).

The motivation of this combination would be the effect of the time it would take to

create new talk groups and/or modify group membership, as taught by Toyryla et al,

because the would make the dynamic talk group functionality less complex, easier and

reliable from the user's point of view. In addition, Chandhok et al. teaches how a

provider dynamically determine based on the current location vector of the service requester, regardless of the current location of the service requester, and without requiring the service requester to individually contact each provider of the desired service (Abstract and Page 1, Para 0005 of Chandhok et al.). Sasuta teaches the requesting communication unit needing to talk to a portion of the whole group. Sasuta also teaches a method for placing a communication unit directed group call in a manner that reduces system access time. This is achieved by excluding some communication group members from the group call while guaranteeing the inclusion of certain other communication units (i.e. targeted units). Sasuta also allows a portion of the communication group to place a group call involving a limited number of communication units, while another group call is taking place in different sites. The incorporation of multi-point communication dynamic talk group with multi-site trunked communication system would allow communicating with a communication group to not waste communication resources and not delay access time for small audience calls (Col. 1, lines 41-48 and Col. 4, lines 26-49 of Sasuta).

As for claim 37, Chandhok et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of:

after the step of launching, waiting a predetermined time for a response from at least one of the group of second users and the first user; and if the response is not received within the predetermined time, indicating a failure to the

first user (Page 1, Para 0006-0008 and Page 4, Para 0035-0038 of Chandhok et
al.).

As for claim 38, Toyryla et al. teaches a method for dynamic group call from a
first user to a group of second users via a network including a server, wherein if the
response is received within the predetermined time, there is further included the steps
of:

confirming the dynamic group call to the first user; and interconnecting

each of the group of second users and the first user for sustaining a dynamic

group call (Abstract; Col. 1, lines 6-8; Col. 3, lines 22-40; Col. 4, line 64-Col. 5,

line 27; and Col. 6, lines 4-14 of Toyryla et al.).

As for claim 41, Toyryla et al. teaches a method for dynamic group call from a
first user to a group of second users via a network including a server, wherein there is
further included a step of selecting by at least one user of the group of second users
and the first user the dynamic group call for which the at least one user has the dynamic
group call identity (of Toyryla et al.).

As for claim 42, Toyryla et al. teaches a method for dynamic group call from a
first user to a group of second users via a network including a server, wherein there is
further included a step of transmitting by the at least one user the dynamic group call
identity to the network (Col. 2, lines 46-64; Col. 3, lines 41-53; and Col. 6, line 57-Col. 7,
line 15 of Toyryla et al.).

As for claim 43, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of:

receiving by the network the dynamic group call identity; if the dynamic group call corresponding to the dynamic group call identity is inactive, re-establishing the dynamic call to each of the group of second users and to the first user; and if the dynamic group call corresponding to the dynamic group call identity is in progress, rejoining by the network the at least one user to the dynamic group call (Col. 2, line 46- Col. 3, line 21; Col. 3, line 54-Col. 4, line 3; Col. 6, line 57-Col. 7, line 15; and Col. 7, lines 27-54 of Toyryla et al.).

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Petreye et al. (US Patent 5635914) relates generally to the field of selective call communications, and more particularly to a method and apparatus in a selective call system for dynamic group calling.

Alterman et al. (US Patent 6882856) relates in general to radio communication systems, and more particularly, to a method for dynamically configuring group calls in a radio system.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Janelle N. Young whose telephone number is (571) 272-

2836. The examiner can normally be reached on Monday through Friday: 8:30 am

through 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JNY
August 4, 2007

QUOCHIEN B. VUONG
PRIMARY EXAMINER